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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,874	03/17/2001	Chuck Peters	1760.2.29	7470
23484	7590	07/02/2004	EXAMINER	
JOHN W. L. OGILVIE 1320 EAST LAIRD AVENUE SALT LAKE CITY, UT 84105			CAO, CHUN	
			ART UNIT	PAPER NUMBER
			2115	9

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/810,874

Applicant(s)

PETERS ET AL.

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-26 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 11 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-30 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

#### ***Claim Rejections - 35 U.S.C. 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-9, 12-19, 21-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun et al. (Braun), US patent no. 6,636,961 in view of Brian K. Percy (Percy), "Re: .pst file in Outlook".

As per claim 1, Braun teaches a method for coordinating imaging operation with user profile migration to perform migration in place on a computer system [col. 1, line 66-col. 2, line 4], the method comprising the steps of:

providing a migration content storage [database 200, fig. 2] in the computer system to hold migration content, by using a migration tool [configuration tool] [col. 3, lines 34-43];

saving migration content into the provided migration content storage by using the configuration tool, the saved migration content including at least user settings for the computer system [col. 3, lines 34-43; col. 4, lines 48-50; col. 22, lines 60-62];

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deploying an image into at least one other partition of the computer system's storage by using an image tool [col. 1, lines 44-46], thereby forming a newly imaged partition which is not the migration content storage [col. 3, lines 44-50; col. 23, lines 1-6]; and

restoring migration content from the migration content storage into the newly imaged partition by using the migration tool [col. 2, lines 1-4; col. 3, lines 48-58; col. 4, lines 22-25; col. 13, lines 28-31].

Braun does not explicitly teach of using a partition manipulation tool to manipulate at least one partition in a partitionable storage medium of the computer system and saving migration content into the provided migration content storage partition by using the configuration tool.

Pearcy teaches of using a partition manipulation tool to manipulate at least one partition in a partitionable storage medium of the computer system [page 1, from the bottom lines 2-6] and saving migration content into the provided migration content storage partition [another partition] by using the configuration tool [emphasis added, "an user used copy and paste function"; see the article all]. In summary, first, Percy teaches of using a partition manipulation tool ["partition magic" a well known software in the art] to manipulate at least on partitions beforehand in the computer system, second, Percy teaches of saving the user settings [outlook express, etc.] to a created partition storage [another partition].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Braun and Percy because the specify teachings of Percy

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stated above would improve the reliability and flexibility of Braun system by allowing to store the migration content (user setting) in a storage partition that is manipulated by a partition manipulate tool.

As per claim 3, Braun teaches of rebooting the computer system, and the reboot causes execution of commands that including an invocation of the imaging tool during the deploy step [col. 15, lines 5-14]. Also, inherently, Percy teaches of rebooting the computer system, and the reboot causes execution of commands that including an invocation of the imaging tool during the deploy step [see article all, emphasis added, "re-install windows using Drive Image 2.0"].

As to claims 4 and 5, Official Notice is taken that a bootable removable storage medium (such as a bootable CD-Rom) and a network boot image are old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a bootable CD-Rom and a network boot image because these would provide easier and quicker image restoration to recover from computer system failure. Inherently, Braun and Percy may teach of making a restore drive image as a bootable removable storage medium or a network boot image.

As per claim 6, Braun teaches of rebooting the computer system, and the reboot causes execution of commands that include an invocation of the migration tool during the migration content restoring step [col. 2, lines 1-4; col. 3, lines 48-58; col. 4, lines 22-25; col. 13, lines 28-31].

As per claim 7, Braun teaches that the invocation of the migration tool results from an entry in an operating system registry [col. 7, lines 41-43; col. 16, lines 19-22].

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As to claims 8 and 9, inherently, Percy teaches of providing migration content storage partition comprises determining whether the computer system's partitionable storage has an extended partition [emphasis added "before an user can backup the user setting to an extended partition, the user can determine whether the computer system's partitionable storage has the extended partition (another partition)"]].

As per claim 12, Braun teaches of deploying an image of an operating system which was not installed on the computer system [col. 1, lines 17-20].

As per claim 13, Braun teaches of deploying an upgraded operating system to the computer system [col. 1, lines 17-20].

As per claim 14, Official Notice is taken that rolls the image back to an earlier state is old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a rollback image because this would provide easier and quicker image restoration to recover from computer system failure. Inherently, Percy may teach of a rollback image installation in C: partition [col. 1, lines 50-53].

As per claim 15, Braun and Percy together teach the claimed method of steps. Therefore, Braun and Percy together teach the claimed system to carry out the method of steps.

As per claim 16, Braun discloses the migration content storage partition contains the migration tool [configuration tool] [col. 3, lines 14-21, 44-48].

As per claim 17, Percy discloses an extended partition [another partition].

As per claim 18, Braun discloses a file that includes a command to invoke the migration tool to restore desired user profile information from the migration content storage [col. 1, line 66-col. 2, line 4; col. 4, lines 51-52].

As to claims 19, 21-25 and 28-30, Braun and Percy together teach the claimed method of steps. Therefore, Braun and Percy together teach the claimed computer-readable storage media to carry out the method of steps.

5. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun et al. (Braun), US patent no. 6,636,961 in view of Brian K. Percy (Percy), "Re: .pst file in Outlook" and McCall (McCall), US patent no. 6,658,435.

As to claims 2 and 20, Braun and Percy do not teach of deleting at least one file from the partitionable storage medium of the computer system to make additional room for migration content.

However, McCall teaches of deleting at least one file from the partitionable storage medium of the computer system to make additional room for migration content [col. 2, lines 50-55; col. 5, lines 21-28].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Braun and Percy and McCall because the specify teachings of McCall stated above would improve performance of Braun system by allowing file deletion that gives the best space saving in Braun system.

6. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun et al. (Braun), US patent no. 6,636,961 in view of Brian K. Percy (Percy), "Re: .pst file in Outlook" and Murray et al. (Murray), US patent no. 6,330,653.

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As to claims 10 and 26, Braun and Percy do not teach of shrink a partition to provide storage space for use in the migration content storage partition.

However, Murray teaches of shrink a partition to provide storage space for use in the migration content storage partition. [col. 4, line 64-col. 5, line 1].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Braun and Percy and Murray because the specify teachings of McCall stated above would improve the overall performance of Braun system by allowing to shrink the partition depending on space requirement in Braun system.

***Allowable Subject Matter***

7. Claims 11 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's arguments filed on 4/28/2004 have been fully considered but are moot in view of new ground(s) of rejection.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106. The examiner can



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normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717. The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

June 25, 2004